

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5175

September Term, 2021

1:20-cv-00765-UNA

Filed On: April 14, 2022

Danny Fabricant,

Appellant

v.

Federal Election Commission and Alex
Padilla, California Secretary of State,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Henderson, Rogers, and Tatel, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on appellant’s brief, the supplement thereto, and appellant’s response to the December 8, 2021 order to show cause. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court’s order filed on April 21, 2020, be affirmed as modified to reflect a dismissal without prejudice for lack of standing. Appellant lacks Article III standing to challenge 52 U.S.C. § 30101(2)—under 52 U.S.C. § 30110 or otherwise—because he has not demonstrated causation and redressability. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992) (explaining that “the irreducible constitutional minimum of standing” requires “an injury in fact,” “a causal connection between the injury and the conduct complained of,” and a likelihood “that the injury will be redressed by a favorable decision” (internal quotation marks omitted)). First, appellant has not shown that § 30101(2), which defines “candidate” for purposes of the Federal Election Campaign Act, imposes qualifications for federal office. Consequently, he has not demonstrated that § 30101(2) caused his alleged injury—i.e., his name not being included on a primary ballot. Second, appellant has effectively conceded that he did not comply with California’s requirements that he pay a filing fee (or submit signatures in lieu thereof), submit nomination papers, and submit a declaration of candidacy. See Cal. Elec. Code §§ 8020, 8105, 8106. Consequently, declaring § 30101(2) unconstitutional would not remedy appellant’s

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alleged injury because he still would have been ineligible to have his name included on the primary ballot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam